

REMARKS

The applicants appreciate the Examiner's thorough examination of the application and request reexamination and reconsideration of the application in view of the preceding amendments and the following remarks.

The Examiner rejects claims 1-8 under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. The Examiner alleges the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The Examiner alleges the specification fails to disclose another on-board unit and that the on-board unit includes a receiver for receiving signals emitted from that other on-board unit and for preparing a message including an identification of the other on-board unit and a time and location of receiving the identification or the other on-board unit. The Examiner also alleges that the specification fails to disclose how the system can detect where communication with the central location is effected.

The applicants' claimed on-board unit as recited in claim 1 includes 1) a primary communication system, the primary communication system being adapted to communicate with a remote location, the primary communication system being further adapted to detect a stolen condition or receive an indication of a stolen condition, 2) means for determining whether communication with a central location can be effected, and 3) a secondary communication system, said secondary communication system transmitting a signal including an identification of said on-board unit when communication with said central location cannot be effected.

Thus, when the primary communication system of the on-board unit, typically disposed in a vehicle, detects a stolen condition and it is determined that communication with the central station cannot be effected, the secondary communication system transmits a signal that includes an identification of the on-board. A receiver, typically in another separate vehicle, e.g. a wireless telephone, a personal digital assistant with wireless communication means, a dedicated device, a vehicle location unit or another on on-board unit receives the signals emitted by the on-board unit in the first vehicle (*see* Fig. 1 and page 4, line 8 to page 5, line 12 of the applicants' specification). That receiver, which may also include another on-board unit, includes means for determining the position of the on-board unit in the first vehicle and prepares a message including an identification of the on-board unit in the first vehicle, a time and location of receiving the identification of the on-board unit in the first vehicle and an identification of the on-board unit. When the receiver in the second vehicle determines that communication to a central station can be effected, it transmits the message to the central location of the identification of the on-board unit in the first vehicle. *See* applicants' claims 1-3, 5-8 and new claims 11-17.

However, the on-board unit that may be disposed in a first vehicle also includes a receiver that operates the same as the receiver in the second vehicle. That receiver is similarly used to receive signals emitted from another, or a second on-board unit, that may be disposed in a second vehicle. To clarify this feature, the applicants' have amended claim 4 to now recite: An on-board unit according to claim 1, wherein said on-board unit further includes a receiver for receiving a signal emitted by a second on-board unit said on-board unit further including means for determining a position of said second on-board unit and for preparing a message including an identification of said second on-board unit, a time and location of

receiving said identification of said second on-board unit and an identification of said second on-board unit, said message being transmitted to said central location when communication with said central location can be effected. Support for this amendment is shown in Fig. 1 and in the applicants' specification on page 4, line 27 – page 5, line 15.

The receiver may include a wireless telephone, a personal digital assistant with wireless communication means, a dedicated device, a vehicle location unit, or an on-board unit. See applicants' new claims 9 and 12. Support for these new claims is found in the applicants' specifications on page 4, line 30 - page 5 line 4.

In a preferred embodiment, the system also includes a fleet of vehicles that each may include a receiver, or on-board unit to define a "kinetic network". See applicant's new claim 10. Support for this new claim is found in the applicants' specification on page 5, lines 16-19.

The Examiner alleges the specification fails to disclose how the system can detect whether communication with the central station can be effected. The means for determining whether communication with the central station can be effected is the activation of the communication secondary communication system (13) when the on-board unit has failed to communicate with the central station. When the on-board unit has failed to communicate with the central station, the system presumes that a vehicle equipped with claimed on-board unit is either out of range of the wireless network or its transmitter has been disabled or worn out:

This secondary system 13, which is adapted to send and receive, is activated when the on-board unit 10 has failed to communicate with a central location. The system of the present invention is thus particularly adapted to be used with a vehicle location device which "knows" whether or not the vehicle has been stolen or one that has received an indication that the vehicle has been stolen, for example from a central location.

Alternatively, when the on-board unit has failed to communicate with the central location, there is a presumption that the vehicle including the unit 10 is either out-of-range of the wireless network, or has had its transmitter disabled or torn out.

When this condition occurs, the unit 10 activates the secondary communication system 13. The secondary communication system thus emits a signal.

Applicants' specification, page 4, lines 8-26.

Accordingly, for the reasons stated above, claims 1-8 comply with the written description requirement of 35 U.S.C. §112, first paragraph. Accordingly, claim 1-8 are allowable under 35 U.S.C. §112, first paragraph.

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'RJC', written over a horizontal line.

Roy J. Coleman
Reg. No. 48,863